REMARKS/ARGUMENTS

These remarks are submitted in response to the Final Office Action dated August 2, 2006 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. However, the Office is expressly authorized to charge any deficiencies or credit any overpayments to Deposit Account No. 50-0951.

Claims 1-6, 11-13, and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,160,995 to Kiswani, *et al.* (hereinafter Kiswani), in view of U.S. Patent No. 6,697,474 B1 to Hanson, *et al.* (hereinafter Hanson), and in further view of U.S. Patent Application Publication No. 2003/0099334 A1 to Contractor (hereinafter Contractor).

Applicants have amended independent Claims 1, 11, and 16 to emphasize certain aspects of the invention and incorporating the subject matter of Claim 4. Applicants have also cancelled Claim 4. The amendments, as discussed herein, are fully supported throughout the Specification. (See, e.g., Specification, paragraph [0021], at page 7.) No new matter has been introduced by the amendments.

Applicants' Invention

It may be helpful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method to enable instant collaboration via the use of pervasive messaging. The method can include receiving a call from a caller to a callee and transferring the call to a voicemail system when the callee is unavailable.

The method further can include determining whether the callee is available via instant messaging and querying the caller to determine whether the caller wishes to leave a voice message or an instant message. In the event that the caller elects the option of leaving a text message, according to the method, a voice message from the caller to the callee is recorded. A text message is then generated by transcribing the voice message so that the text message can be conveyed to the callee. The method can further include

determining if the language of the text message matches that of a preferred language in the callee's instant messaging profile. In the event that the language does not match, the text message to be conveyed is translated into the preferred language before being delivered to the callee. (See, e.g., Specification, paragraph [0019], at pages 6-7; paragraph [0021] at page 7; and paragraphs [0022] and [0023] at pages 7-8.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 11, and 16 were each rejected as being unpatentable over Kiswani in view of Hanson and further in view Contractor. Kiswani is directed to a method for "uniform call termination treatment" in a global telecommunication network that includes wireless subscriber units. (See, e.g., Col. 1, lines 37-48 and Col. 2, lines 25-29; see also Abstract, lines 1-4.) Hanson is directed to a system for establishing a telephone call between a calling party and a called party, wherein the system identifies the called party and determines whether the called party is "currently connected to a data network." (See, e.g., Col. 1, line 66 – Col. 2, line 26; see also Abstract, lines 1-9.) Contractor is directed to a system for delivering voice mail messages directly to an email or other notification system for the callee, after converting the message to a proper file format. (See, e.g., Paragraph [0031], page 4).

Applicants respectfully submit that Kiswani, Hanson, and Contractor, alone and in combination, fail to disclose every feature recited in independent Claims 1, 11, and 16, as amended. As Claims 1, 11, and 16 have been amended to include subject matter that incorporates the subject matter of Claim 4, Applicants will address the rejection of Claim 4 as set out in the Office Action. On page 5, the Office Action states:

> **Regarding claim(s) 4, Hanson teaches a method, wherein the method further comprises the step of translating the text message to provide a translated text message and sending the translated text message to the callee via the instant messaging system (column 8, lines 55-63).**

Applicants respectfully submit that the reference cited in the Office Action is insufficient to support the rejection of Claim 4. Applicants submit that Hanson does not teach or suggest the generation of a text message by translating a voice message from a language of the caller to a preferred language of the callee, as recited in each of the amended claims. The cited portion of Hanson discloses that a message will be delivered according to the instructions in the database of Hanson, but the instructions included do not include any instructions for translation. Rather, the instructions include only the contact information for the callee. (See, e.g., Col. 5, ln. 42-67, Col. 6, ln. 1-42, FIG. 4A, FIG 4B). Furthermore, Hanson nowhere teaches or suggests the translation of a voice message into a language designated by the callee.

Neither Kiswani nor Contractor teach or suggest such a feature. Although Kiswani provides for the voicemail system to operate in a preferred language of the callee (see Col. 4, ln. 48-53), nowhere does Kiswani disclose that the selection of this preferred language has any effect on the language of the stored message. Moreover, Kiswani does not provide any suggestion or motivation for translating messages in such a fashion. Furthermore, although Contractor teaches the sending of both voice messages and text messages, similar to Hanson, Contractor also does not teach or suggest the sending of a text message generated by transcribing and translating a voice message into a preferred language. Contractor only discloses the converting the message being stored from one file format to another (see Page 4, paragraph [0031]); Contractor does not teach or suggest the conversion of a message from a language of the caller to a language of the callee. Additionally, Contractor does not provide any suggestion or motivation for translating such messages.

Accordingly, Kiswani, Hanson, and Contractor, alone and in combination, fail to teach or suggest every feature recited in independent Claims 1, 11, and 16, as amended. Applicants respectfully submit, therefore, that the amended claims define over the prior art. Applicants further respectfully submit that whereas dependent Claims 2, 3, 5, 6, 12,

and 13 each depend from one of the amended independent claims, these claims likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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